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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,180

04/16/2004

Kiyoshi Mizuki

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23117 7590 08/03/2009  
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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,180	<b>Applicant(s)</b> MIZUKI ET AL.	
	<b>Examiner</b> FRANK M. LEIVA	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/13/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 February 2009 has been entered.

### ***Acknowledgements***

2. The examiner acknowledges amendments to claims 1 and 6 in applicant's submission filed 23 January 2009.

### ***Response to Arguments***

3. Applicant's arguments filed 23 January 2009 have been fully considered but they are not persuasive.

4. Regarding the arguments on applicant's remarks on page 7; *"However, Applicant submits that even though this adjustment achieves approximately the same size for a particular game object, regardless of its size in the progress of the game (i.e., as it moves forward in a fast way or as it stays back moving slowly), this does not necessarily imply that different player objects are made to appear to have the same size by adjusting the virtual camera position, as required by amended claims 1 and 6. In other words, Takahashi does not teach making the adjustment for each player character, so that &l player characters (including those having different sizes) are displayed to have the same size."* The examiner points the applicant admits that the adjustment achieves approximately the same size and its only argument is that it does not do it for all the player characters. The examiner traverses this point and cites Takahashi Column 3 lines 54-62 where it is understood that an avatar view is such as that of the present invention figures 8-11 are centered on a central figure or the player character, and it is for that particular character for every player's view that the

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adjustment of Takahashi is made. Making it clear that in Takahashi every player views their own character approximately the same size in their screen.

5.

6. Regarding the arguments on applicant's remarks on page 7; *"In addition, Takahashi does not disclose a means corresponding to the selecting programmed logic circuitry, recited in claim 1 (and equivalently in claim 6). Moreover, Takahashi fails to teach or suggest that & of the operating objects selected by the selecting programmed logic circuitry is displayed to have approximately the same size,"* The examiner states that Takahashi inherently contains a character selection routine for which the player may be assigned or the player may select the character to play with. Takahashi column 3 lines 54-62 declare that there are several player character sizes, thus some how the player is selected to play a certain character the means being well-known.

7. The remarks being fully reviewed are found not-persuasive and the rejections proper.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al (US 6,354,944 B1).**

10. **Regarding claims 1 and 6;** Takahashi discloses:

An image processing apparatus that displays on a display an image in which an operating object appearing in a virtual three-dimensional space is seen from a predetermined viewpoint location, (col. 2:28-32).

An -operation controller operated by a player, (col. 2:43-47, 5:34-35).

A selecting programmed logic circuitry for selecting the operating object appearing in said virtual three-dimensional space, out of a plurality of the operating objects different in size, based on an operation of said operation controller, (col. 3:54-62 and 13:51-55), whereas the viewpoint is dependent to the size of the player character, inherently includes a plurality of sizes and thus a plurality of characters for the player or system to choose from, and wherein the picture view of the surroundings are dependent on the manipulation of the character.

A viewpoint-location setting programmed logic circuitry for setting the viewpoint location in correspondence with said operating object selected by said selecting mechanism, (13:51-55).

An image displaying programmed logic circuitry for displaying a three-dimensional image including said operating object based on said viewpoint location set by said viewpoint location-setting programmed logic circuitry, (col. 15:9-12).

Wherein said viewpoint-location setting programmed logic circuitry sets the viewpoint-locations in such a manner so that each of operating objects selected by said selecting programmed logic circuitry is displayed to have approximately the same size, regardless of the size of the selected operating object (col. 2:18-22 and 3:54-62]), disclosed in the invention of Takahashi is the fact the invention intention is to generate the optimum view from the avatar angle depending on the size of the character selected for viewing.

By adjusting the distance to the back of the character to be larger when the character is of large size and getting closer when the character is smaller, will produce the effect of maintaining the character in view of the same size in the viewing screen and maintaining the optimum view. Not disclosed but understood is that the optimum view will generate for every character size the same size (or optimum size), on the window. Simply stated, at least one possibility is that Takahashi's viewpoint changes such that all of the objects displayed are approximately the same size--when objects are located near each other at the location displayed. Wherein by moving the camera viewpoint away for a large character and moving it closer for a small character will

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inherently maintain the same size or optimal size of the character, at least approximately.

**11. Regarding claims 2 and 7;** Takahashi discloses viewpoint-location-data storing locations for storing each viewpoint location data correlated with each of said plurality of the operating objects; wherein said viewpoint-location setting programmed logic circuitry reads out from said viewpoint-location-data storing locations said viewpoint location data corresponding to said operating object selected by said selecting programmed logic circuitry to set said viewpoint location, (col. 8:36-39), wherein viewpoint data is previously determined and store to be accessed during the running of the program.

**12. Regarding claims 3 and 8;** Takahashi discloses wherein each of said viewpoint location data is set in such a manner as to be displayed as the operating object approximately the same in size even if any one of the operating objects is selected by said selecting programmed logic circuitry, (col. 2:18-21 and 8:8-12), wherein the program selects the optimum viewpoint according the player character size, it would be necessary for the system to show all characters approximately the same size as to give all players the same viewing advantage in the playing field, where in a game of limited screen display, a larger character viewed from an avatar point, would cover the screen and make it impossible for the player to view his opponent.

**13. Regarding claims 4 and 9;** Takahashi discloses wherein said viewpoint location data includes distance data from a point-of-regard (point B), said viewpoint-location setting programmed logic circuitry reads out said distance data corresponding to said operating object selected by said selecting programmed logic circuitry to set said viewpoint location, (Fig. 6, B1-B3, col. 8:25-39), reference point B and distance D.

**14. Regarding claims 5 and 10;** Takahashi discloses wherein said viewpoint location data includes angle data or height data from the point-of-regard, and said viewpoint-location setting programmed logic circuitry reads out said angle data or said

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height data corresponding to said operating object selected by said selecting programmed logic circuitry to set said viewpoint location, (fig. 4), wherein angle "Alpha" and height "yB" set viewpoint location to be  $C(x_c, y_c, z_c)$ .

### ***Examiner's Note***

**15.** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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07/30/2009

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714